

REMARKS

In the Office Action dated May 19, 2004, Applicant's amendment to the specification was objected to as adding new matter; claims 8-13 were rejected under 35 U.S.C. § 112, first paragraph, on the basis that the specification fails to comply with the written description requirement; and claims 1-6 and 8-13 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. D295,776 to Johansen.

Applicant encloses an unverified copy of related UK Patent Application No. GB2363061A, which was published on December 12, 2001 and issued as UK Patent No. GB2363061B on March 31, 2004. Applicant will submit a verified copy of the priority document in due course.

Applicant has amended the specification to withdraw the statements objected to on the basis of new matter. Applicant has further canceled claims 8-13.

Claims 1-6 were rejected as anticipated by Johansen. Rejections based upon anticipation must meet the requirement that every limitation of the rejected claim is found in the prior art reference. See MPEP § 2131. Claim 1 recites the limitation that the means for attachment of the holster to a user includes "a flexible loop affixed to the tubular body portion". Johansen does not disclose this limitation. Referring to Figs. 5-9 of Johansen, both the flexible loop and the tubular body portion are affixed to a backing plate. The flexible loop *is not* affixed to the tubular body portion. Furthermore, claim 1 recites the additional limitation that the flexible loop allows "the holster to maintain a vertical or substantially vertical alignment when attached to the user." Johansen does not disclose this limitation either. Instead, Johansen discloses a peg-and-slot arrangement that allows the holster to maintain a very limited vertical alignment. The flexible loop depicted in Johansen does not function to allow the holster to maintain a vertical alignment. Rather, the flexible loop of Johansen would substantially restrict movement of the holster such that the holster is in substantial alignment with the structure to which the flexible loop is wrapped about, which from the title of the

invention, "Multiple Position Fishing Pole Holder", is presumably an individual's leg. The result of the configuration disclosed in Johansen is that the holster could be substantially out of vertical alignment at any time, depending upon the movements of the wearer. For these reasons, Johansen does not disclose all the limitations of claim 1 and therefore does not anticipate amended claim 1.


Likewise, where amended claim 1 is not anticipated, neither are dependent claims 2-6 anticipated.

For the foregoing reasons, reconsideration of the rejection is requested.

Respectfully submitted,

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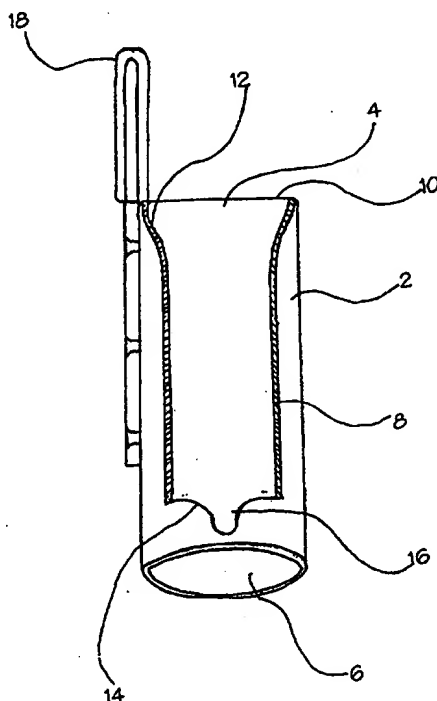
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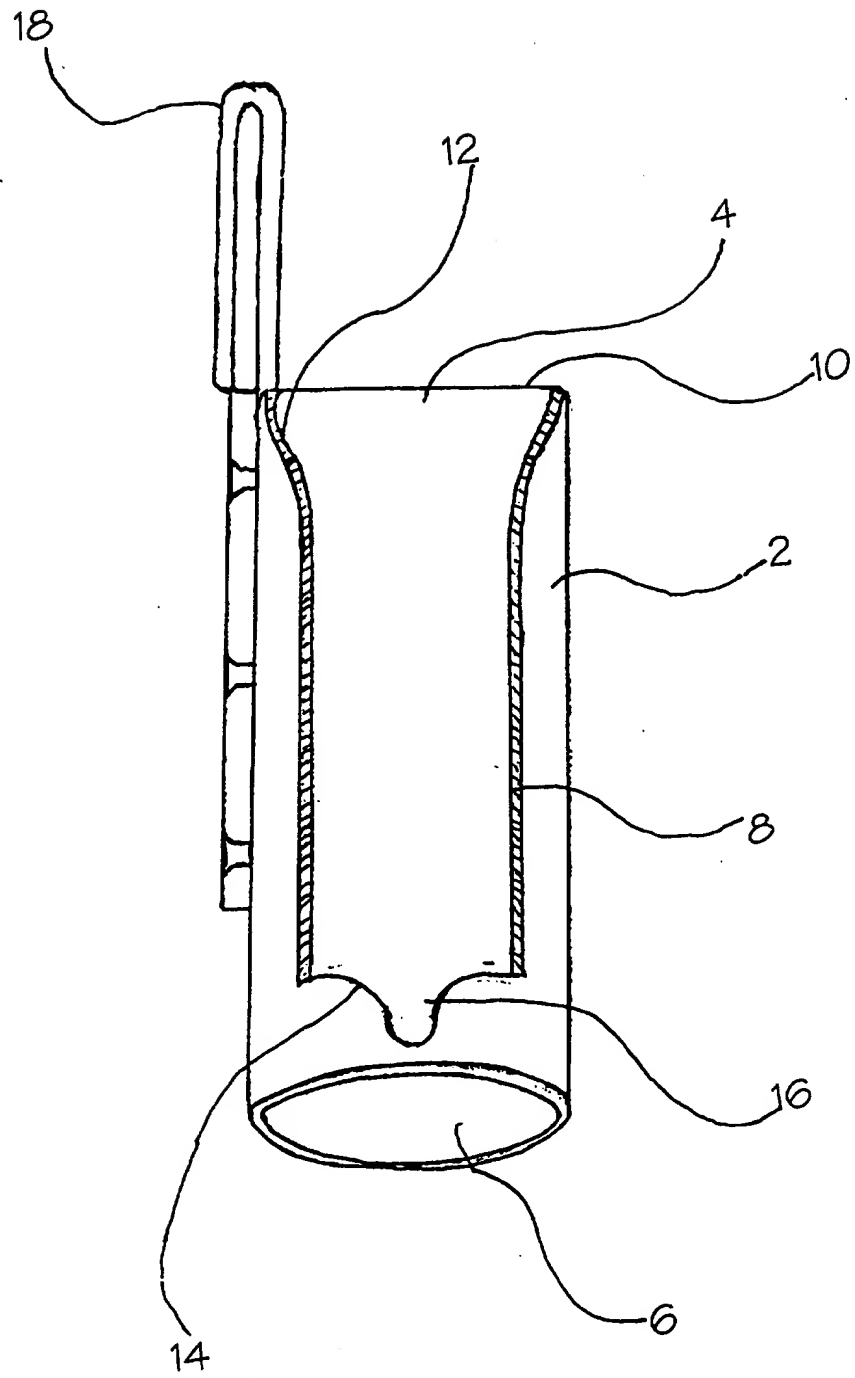
(54) Abstract Title

**Holster for power tool**

(57) A holster for a tool such as a power drill comprising a body portion and a handle portion which projects generally at right angles to the body portion, comprises a tubular body portion 2 having open top and bottom ends 4,6, an elongate cutaway section 8 extending along at least 50% of the length of the tubular body from the top edge 4, and means for attaching the holster to a user, which means allows the holster to maintain a substantially vertical alignment when attached to the user. As described the cutaway section 8 is flared at its upper end, has a notch 16 at its lower edge and may extend over at least 90% of the length of the body. The holster may be attached to a user's belt by a flexible loop 18 or pivot connection, and may be of aluminium, polyethylene or polyurethane.



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HOLSTER FOR POWER TOOLS

The present invention is concerned with a holster for power tools and in particular for power tools having a generally cylindrical body portion with a pistol grip handle projecting from the body portion such as a cordless drill.

Cordless power tools such as drills are widely used in the construction industry and by DIY users. The user frequently needs to pick up and put down the tool while carrying out other tasks. The user requires the tool to be readily to hand when needed but also securely held when not in use because they are relatively heavy and can be damaged by falling from even a small height and present an injury risk to anyone working below should the tool fall. In addition the user needs to be able to carry the tool around easily when moving around, for example climbing ladders or scaffolding. The most convenient way to achieve this is to choose a holster attached to the user.

Holsters for power tools are known and generally take the form of a leather or fabric harness or pouch. Such holsters are often designed to receive one tool, or only a limited range of tools. A problem with such holsters is that the leather or fabric wears rapidly and often distorts with use making it difficult to easily and rapidly insert and remove the tool from the holster. Such holsters generally require an additional means such as a strap to secure the tool if the operator will be climbing or moving around.

There is a need for a holster which retains tools securely at all times, is robust and which permits rapid and easy insertion and removal of the tool.

Accordingly, the present invention provides a holster for a tool of the type comprising a body portion and a handle portion which projects from the body portion in a

direction generally perpendicular to the central axis of the body portion characterized in that the holster comprises a tubular body portion having a open top and bottom ends sized to receive the body portion of a tool, the tubular body portion having an elongate cutaway section extending along at least 50% of the length of the tubular body portion from the top edge and sized to receive the handle of the tool, and means for attachment of the holster to a user which means allows the holster to maintain a vertical or substantially vertical alignment when attached to the user.

The body portion of the holster is of a tubular construction, e.g., substantially cylindrical, and may be fabricated from any substantially rigid material such as aluminium or plastics materials such as polyethylene or polyurethane. The rigid construction prevents distortion of the holster so that even after prolonged use the tool may be rapidly and easily inserted into the holster.

The tubular body portion is open at both top and bottom ends and is provided with a cutaway section in the general form of an elongate slot extending from the top edge of the tubular body portion along a substantial length of the tubular body portion. The cutaway section will extend at least 50%, and preferably 75%, 80%, 90% or more of the length of the body portion.

The cutaway section may be outwardly flared at its upper end to make insertion of a tool such as a drill easier and to provide some guidance as the drill is inserted into the holster.

The bottom edge of the cutaway section may be provided with a notch. This assists in locating the handle of the drill in the holster which will rest in the notch in the region of the trigger switch and also prevents the trigger switch contacting the bottom edge of the cutaway

section so that the drill the drill is not accidentally operated in the holster or whilst being inserted or removed should the operator not engage the switch lock and assists in preventing the drill from rotating within the holster.

The interior of the holster may be lined with a plastics or rubber material to provide protection for the drill.

The holster is provided with a means of attachment to the user such that the holster is weighted to take up a generally vertical alignment when attached to the user.

One means of attachment is to use a relatively narrow loop of a flexible material such as webbing or similar material which can be attached to the operator's belt. The narrow loop and the weight of the drill in the holster ensures that the holster always hangs vertically even when the operator moves and the drill is therefore retained securely within the holster at all times.

Alternatively, the means for attachment may be joined to the holster body through a pivot connection such that the holster is able to move freely about the pivot and hang in a vertical position.

Attachment of the holster such as through a flexible or freely pivotable attachment means ensures that the holster remains substantially vertical, and so securely retains the tool independent of the movement of the user. Thus it is not necessary to provide a separate retaining means or size the holster so as to retain the tool by friction so that the tool may be freely and easily removed from the holster at any time.

In addition since the tubular body portion does not need to be sized to fit closely to the body of the drill a large number of different drill designs can be retained

by a single size of holster.

Another advantage of the holster of the present invention is that the front end of the drill projects through the lower end of the holster but the drill is effectively locked in position against rotational movement by the handle in the cutaway section which means that the chuck of a drill can be easily operated whilst the drill is in the holster to change bits even with one hand if necessary.

Figure 1 shows a schematic front view of a holster according to the present invention.

In an embodiment of the invention the holster comprises a tubular body portion (2) having a top end (4) and a bottom end (6). A cutaway section (8) is provided in the tubular body portion which extends from the top edge (10) of the tubular body portion for the majority of the length of the holster. The top edge of the cutaway section is tapered (12). The bottom edge (14) of the cutaway section is provided with a notch (16) which accepts the front face of the drill handle and prevents the trigger switch from contacting the lower edge of the cutaway section.

A webbing loop (18) is attached to the tubular body portion to permit attachment of the holster to a belt.

In use the user inserts a drill into the top end of the holster (4) such that the handle of the drill registers with the cutaway section (8). The tapered upper edge (12) serves to guide the drill handle into the cutaway section if the handle should not be exactly aligned with the cutaway section. The front end of the drill will pass through the open lower end (6) of the holster and the drill will continue to be accepted into the holster until the handle contacts the lower edge (14) of the cutaway



section so that a majority of the length of the drill body and in particular that constituting the major part of the weight of the drill is enclosed within the holster and the drill cannot tip back out of the holster. The width of the cutaway section is greater than that of the handle of the drill but less than the width of the drill body so that the drill body cannot pass through the cutaway section. The weight of the drill and the narrow flexible attachment to the user ensures that the holster maintains or tends to maintain a vertical alignment and this ensures that although the drill can be a relatively loose fit within the holster, which aids rapid insertion and removal, the drill is retained securely in the holster at all times. Additional straps or retaining means are not necessary but may be provided for example to retain the drill in the holster when not being worn by the user.

CLAIMS

1. A holster for a tool of the type comprising a body portion and a handle portion which projects from the body portion in a direction generally perpendicular to the central axis of the body portion characterized in that the holster comprises a tubular body portion having open top and bottom ends sized to receive the body portion of a tool, the tubular body portion having an elongate cutaway section extending along at least 50% of the length of the tubular body portion from the top edge and sized to receive the handle of the tool, and means for attachment of the holster to a user which means allows the holster to maintain a vertical or substantially vertical alignment when attached to the user.

2. A holster according to claim 1 wherein the tubular body portion is rigid or substantially rigid.

3. A holster according to claim 1 or claim 2 wherein the cutaway section extends for at least 75%, preferably at least 80%, more preferably at least 90% of the length of the tubular body portion.

4. A holster according to any of claims 1 to 3 wherein the cutaway section is flared outwardly at its upper edge.

5. A holster according to any of claims 1 to 4 wherein the cutaway section is provided with a notch on its lower edge.

6. A holster according to any of claims 1 to 5 wherein the attachment means comprises a flexible loop.

7. A holster according to any of claims 1 to 5 wherein the attachment means is fixed to the tubular body portion through a pivot.

8. A holster substantially as hereinbefore described with reference to the accompanying drawing.



INVESTOR IN PEOPLE

Application No: GB 0109245.1  
Claims searched: All

Examiner: Geoff Nicholls  
Date of search: 5 October 2001

**Patents Act 1977**  
**Search Report under Section 17**

**Databases searched:**

UK Patent Office collections, including GB, EP, WO & US patent specifications, in:

UK Cl (Ed.S): A4G F3C (CPV)

Int Cl (Ed.7): A45F 5/00 5/02 5/14 F41C 33/02 33/04

Other: ONLINE: WPI, EPODOC, JAPIO

**Documents considered to be relevant:**

Category	Identity of document and relevant passage	Relevant to claims
X	US 6029872 (ELLINGTON) Whole document relevant	1, 2, 4 to 6
X	US 4662552 (UYEHARA) Whole document relevant	1, 2, 4 to 7
X	US 2954909 (MILLER) Whole document relevant	1, 2, 7

X	Document indicating lack of novelty or inventive step	A	Document indicating technological background and/or state of the art.
Y	Document indicating lack of inventive step if combined with one or more other documents of same category.	P	Document published on or after the declared priority date but before the filing date of this invention.
&	Member of the same patent family	B	Patent document published on or after, but with priority date earlier than, the filing date of this application.